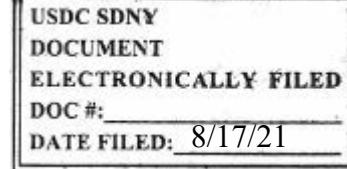


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Western Waterproofing Company, Inc., *et al.*,

Plaintiff,

—v—

Zurich American Insurance Company, *et al.*,

Defendants.

20-cv-3199 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On August 13, 2021, Plaintiff Western Waterproofing Company and Defendant Allied World Assurance Company filed a motion for reconsideration, Dkt. No. 147, of this Court's order dated August 9, 2021, Dkt. No. 146. Although the Court appreciates the parties' desire to have their motions resolved presently, the Court must conserve its limited resources and resolve related motions at the same time when feasible. The Court therefore DENIES the motion for reconsideration.

As ordered, the parties jointly filed a proposed briefing schedule for all motions and cross-motions for summary judgment. Dkt. No. 149. The Court adopts that schedule as stated in the parties' joint letter and as reproduced below:

- August 20, 2021 – Western shall file its notice of motion for partial summary judgment against Zurich on the duty to defend (“Western’s Motion”); Zurich shall file its notice of cross-motion for summary judgment against Western (“Zurich’s Cross-Motion”). Western and Zurich’s notices shall reference the previously filed memoranda of law and other motion papers (i.e., Rule 56.1 Statement and responses thereto, stipulations of facts, and exhibits) in support of their respective motions, oppositions to summary judgment, and replies in further support of said motions;
- September 29, 2021 – Excess Insurers shall file their oppositions to Western’s Motion and, if any, Excess Insurers shall file their cross-motions for summary judgment against Western (“Excess Insurers’ Cross-Motions”);

- October 29, 2021 – Western shall file its reply to Excess Insurers' oppositions to Western's Motion and opposition to Excess Insurers' Cross-Motions (if any);
- November 19, 2021 – Excess Insurers shall file their replies in further support of the Excess Insurers' Cross-Motions (if any).

Of course, Western Waterproofing and Allied World may, as they suggest in their letter, file any motion or briefing in advance of the above deadlines. Dkt. No. 148.

This resolves docket number 147.

SO ORDERED.

Dated: August 17, 2021
New York, New York



ALISON J. NATHAN
United States District Judge